

**POLICY AND PROCEDURES UPON ENCOUNTERING
HAZARDOUS CONDITIONS**

1. PURPOSE

This Directive states the policies and procedures to be followed when hazardous conditions are encountered by Grain Inspection, Packers and Stockyards Administration (GIPSA) employees while performing official duties.

2. REPLACEMENT HIGHLIGHTS

This Directive replaces GIPSA Directive 4790.9, Policy and Procedures Upon Encountering Hazardous Conditions, dated 1/31/03.

3. POLICY

- a. It is GIPSA policy to develop and implement a comprehensive Safety and Health Program that identifies and strives to eliminate employee exposure to existing and potentially hazardous working conditions. The purpose of the Department of Agriculture (USDA) and the GIPSA Safety and Health Program is to minimize losses incurred by GIPSA, its employees, and the general public as a result of work-related injuries, illnesses, and property damage.
- b. The GIPSA Safety and Health Program is applicable to all GIPSA operations and activities. It specifically addresses the safety and health of GIPSA employees.

NOTE: GIPSA is not responsible for the safety and health of non-Federal inspection and weighing employees; therefore, those employees are not required to comply with GIPSA safety and health procedures. Further, GIPSA does not have the authority to enforce safety and health matters for employees of private facilities where GIPSA employees work.

- c. The GIPSA Safety and Health Program covers GIPSA employees who perform their official duties in private (i.e., non-Government-owned, -leased, or -controlled) workplaces. Although GIPSA may not have the authority to require abatement of hazardous conditions in a private workplace, the GIPSA Administrator must ensure safe and healthful working conditions for GIPSA employees in such facilities. This will be accomplished by administrative controls, personal protective equipment, or withdrawal of GIPSA employees from the workplace, when necessary.

- d. When practicable, GIPSA employees will comply with safety and health rules in effect at private workplaces that meet or exceed USDA and GIPSA requirements, especially those regarding smoking, wearing of hard hats, use of eye protection, and wearing of life vests.

4. STANDARDS

- a. The Occupational Safety and Health Administration (OSHA) has primary responsibility for developing and promulgating regulations which ensure the safe working conditions of workers in stockyards, packing plants, grain handling facilities, and other worksites. The U.S. Department of Labor's occupational safety and health standards and program elements promulgated under Sections 6, 19, and 24 of the Occupational Safety and Health Act (Public Law 91-596) are applicable to all GIPSA operations.
- b. GIPSA is responsible for developing Agency-wide safety standards and procedures for Agency-unique problems and for coordinating those standards with USDA and OSHA.

5. AUTHORITIES

- a. Public Law 91-596, Occupational Safety and Health Act of 1970.
- b. Executive Order 12196, Occupational Safety and Health Programs for Federal Employees.
- c. Title 29, Code of Federal Regulations (CFR), Part 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs.
- d. Title 29, CFR, Part 1910, Occupational Safety and Health Standards.

6. DEFINITIONS

- a. Hazardous Conditions. Conditions that can cause or result in death or serious physical harm to GIPSA employees.
- b. Workplace. The physical location where the work or operations are performed.
- c. Unapproved Electrical Equipment. Electrical devices that are not approved by the Underwriters Laboratory or a comparable authority for use in hazardous locations as described by the National Fire Protection Association's National Electrical Code (NFPA 70).
- d. Fugitive Grain Dust. Combustible dust particles emitted from the stock handling system of such size (425 microns or less) as will pass through a U.S. Standard 40-mesh sieve.

7. ACTION

a. The following hazardous conditions in the workplace are such that a danger exists which could **reasonably be expected to cause death or serious physical harm**; i.e., conditions that constitute an imminent danger. GIPSA employees will immediately evacuate when these conditions are encountered and will not return until the area has been declared safe by a competent authority.

- (1) Fire or explosion.
- (2) Smoldering grain or visible smoke in any interior portion of a facility.
- (3) Toxic chemical spills (affecting portion of facility).
- (4) Bomb threats.

NOTE: Any GIPSA employee who becomes aware of a hazard that presents an imminent danger will immediately direct all other GIPSA employees to evacuate the facility and then notify the facility manager of the hazard and action taken. GIPSA employees, who evacuate under the provisions of this section, are required to contact their supervisor immediately after evacuation.

b. The following hazardous conditions in the workplace are such that there is a **substantial potential for death or serious physical harm** if they are not corrected. These conditions will be immediately reported to the supervisor when they are encountered by GIPSA employees. GIPSA supervisors will evacuate GIPSA employees from the facility or withhold official services to the facility unless the hazards are immediately corrected. GIPSA employees must not be exposed to these hazardous conditions.

- (1) Locations where fugitive grain dust accumulations have exceeded 1/8 inch, cleanup has not begun, and the facility's housekeeping plan is not being followed. These locations include all open floor areas adjacent to and within 35 feet of inside bucket elevator casing, floors of enclosed areas containing grinding equipment, or floors of enclosed areas containing grain dryers located inside the facility.

NOTE: Small isolated areas having dust in excess of 1/8 inch may not represent a general housekeeping problem.

- (2) Suspended dust, which includes fugitive dust, in any inside open area within a facility which is so heavily concentrated that visibility is seriously impaired so that employees cannot safely see where they are walking.

- (3) Welding, torch cutting, open-flame soldering and brazing, or similar hotwork is being performed within the elevator without the precautions specified in 29 CFR 1910.272(f). Evacuation is not authorized when the elevator management is following an established (written) hot work plan that is consistent with 29 CFR 1910.272(f)
- (4) Compressed air is being used to remove dust from walls, ceilings, and ledges without the precautions specified in 29 CFR 1910.272 (i)(3).
- (5) Bearings on bucket elevators running hot, slipping leg belts, choked legs being jogged, or belts or buckets rubbing against a leg casing is causing mechanical heating of the casing.
- (6) Electrical trouble lamps that are not approved for Class II, Division 1, Group G, to inspect or look into bins, legs, or boots are being used.
- (7) Damaged or frayed electrical wires or cords with exposed wires are present. Loose or damaged electrical conduits in which electrical conductors are exposed.
- (8) Established rules in the facility pertaining to smoking, burning matches, or lighters are being violated.
- (9) Electrical sparks or arcing from equipment or heat (250° F) that is so excessive that ignition appears imminent. Tests for heat will be performed using temperature-indicating devices.
- (10) Continuous frictional sparks by mechanical equipment (e.g., rotating machinery or driving wheels of engines used for positioning railcars in the enclosed dump area) where the sparks are falling into dense clouds of grain dust.

NOTE: When hazardous conditions that have a substantial potential for death or serious physical harm are found, the supervisor will immediately notify the facility manager and offer him/her a chance to initiate corrective action. Only when the facility manager is unable or unwilling to take the necessary action is evacuation authorized. GIPSA will resume service at the facility when OSHA declares the area hazard-free or when the facility manager corrects the hazardous condition. If the manager disagrees with GIPSA's assessment of the severity of a hazard or need for corrective action, he/she may ask OSHA to serve as a mediator. But, GIPSA will not initiate such a request without concurrence of the GIPSA Administrator.

- c. The following conditions normally do not require evacuation of the complete facility but, rather require removing GIPSA employees from the area where the hazard poses a potential safety risk to GIPSA employees. These conditions will be reported to the supervisor when they are encountered by GIPSA employees:
- (1) Hazardous walking/working surfaces.
 - (2) Adverse weather conditions which expose employees to a serious risk of injury.
 - (3) Inadequate lighting.
 - (4) Defective ladders/stairs.
 - (5) Other workers in an area performing tasks that expose GIPSA workers to hazards.
 - (6) Non-placarded/improperly placarded fumigated carriers or stowage areas, improper use of fumigants, or fumigant odors that are irritating to eyes, nose, and/or throat.

NOTE: When GIPSA employees are removed from an area, the supervisor will immediately notify the facility manager and advise him/her of the situation. GIPSA will resume service at the facility when OSHA declares the area hazard-free or when the facility manager corrects the hazardous condition. If the manager disagrees with GIPSA's assessment of the severity of a hazard or need for corrective action, the manager may ask OSHA to serve as a mediator. But, GIPSA will not initiate such a request without the concurrence of the GIPSA Administrator.

- d. The following hazardous conditions in the workplace may constitute a threat to the health and safety of GIPSA employees and require planned corrective action by the facility manager. These conditions will be reported to the supervisor when they are encountered by GIPSA employees. If the facility manager is unable to demonstrate that the facility's present practices can control or correct the identified conditions, he/she will contact the GIPSA Safety and Health Office in Washington, DC, for guidance. The GIPSA Administrator may withhold official service if the facility manager is unable to demonstrate that these identified conditions can be controlled or corrected. The GIPSA Administrator may consider repeated identification of these conditions as justification for further withholding of official services. These conditions do not normally require evacuation of the facility.

- (1) Grain dust or grain spills that represent a hazard in any inside operating area not identified in paragraph 7.b. (1), within an elevator that is not cleaned up concurrently with ongoing operations. For the purpose of this

section, "cleaned up concurrently with ongoing operations" means the dust and spills must not be allowed to accumulate for more than 12 hours before cleanup is started unless other provisions are made in the elevator's housekeeping plan. Grain dust leaks or piles that cover heat-producing equipment may be hazardous. Grain spills normally are not hazardous unless they block exits or egress routes, cause a slipping or tripping hazard, or otherwise cause a physical hazard to employees.

- (2) Machinery operating in accumulated dust or grain spills (i.e., rollers, belts, motors, bearings, etc.) where the condition may cause an identifiable fire risk, but where the risk of an explosion is not present.
- (3) Unapproved electrical equipment used in the facility (e.g., drills, fans, heaters, and trouble lights) in locations where explosive concentrations of grain dust are not present but where an identifiable fire risk exists.

NOTE: The determination as to which parts of a grain handling facility requires special "approved" type of electrical equipment normally is made by the facility manager and local civil authorities. In addition, if proper safeguards are used, even unapproved electrical equipment does not automatically present a hazard.

- (4) Electrical fuses blowing frequently or circuit breakers tripping frequently.
- (5) Missing or defective guardrails and bin top covers.
- (6) Dust collection systems that are malfunctioning. It is the facility manager's responsibility to show that the systems are operating properly.
- (7) Hot bearings, slipping or rubbing belts, rollers running hot in areas where the risk of fire or dust explosions occurring is minimal.
- (8) Inadequate means of egress (exits) or blocked stairwells and/or means of egress. The National Fire Protection Association's Life Safety Code, NFPA 101, is the recognized standard for means of egress. All determinations for adequacy will be made by the GIPSA Safety and Health Office.

- e. In the event an employee believes that a hazardous or potentially hazardous condition (which is not covered by section 7. a.) requires evacuation, withholding of official services, or other corrective action, the employee will notify his/her supervisor. The supervisor will evaluate the situation and determine (with guidance if needed from the Regional Supervisor or Field Office Manager) whether evacuation or withholding of official services is justified.

8. RESPONSIBILITIES

- a. Division Directors, Branch Chiefs, and Staff Heads will assist the Regional Supervisor or Field Office Manager in the implementation of this Directive and in monitoring the correction and/or control of hazardous conditions.
- b. Employees exercising supervisory authority will:
 - (1) Coordinate implementation of this Directive with GIPSA regional and field office employees and periodically evaluate its effectiveness.
 - (2) Cooperate and consult with the facility manager in the implementation of the GIPSA Safety and Health Program and report program discrepancies through normal channels to the GIPSA Safety and Health Office.
 - (3) Provide training in the implementation of this Directive and ensure that all employees are able to recognize hazardous conditions.
 - (4) Brief GIPSA visitors on safety and health requirements, including facility evacuation procedures, and local facility rules. Where feasible, visitors should receive a briefing from the private facility manager/safety officer.

NOTE: Private facility visits by non-GIPSA employees that are sponsored by GIPSA will be coordinated with the affected facility manager.
 - (5) Ensure that employees comply with GIPSA safety and health policies and procedures.
 - (6) Evaluate all reports of suspected hazards to ensure that GIPSA employees are not exposed to hazardous conditions.
 - (7) Notify the facility manager and GIPSA officer-in-charge of hazardous conditions.
- c. Employees will:
 - (1) Read and comply with all safety and health directives issued by GIPSA and all information posted on the regional or field office safety and health bulletin boards. Employees also will comply with private sector rules applicable to the facility unless advised by the regional supervisor or field office manager that the rule does not apply.
 - (2) Immediately report all suspected hazards to their supervisor.

- (3) Assist in evaluating all suspected hazards and notify other GIPSA employees when necessary.

d. The GIPSA Safety and Health Office will:

- (1) Provide technical assistance in the implementation of this Directive.
- (2) Periodically evaluate the effectiveness of the implementation of this Directive.

9. REVIEW PROCESS

An employee or employee representative who is not satisfied with the supervisor's evaluation of a possible hazard has the right and is encouraged to request evaluation by higher levels of management. He/she may also contact the Safety and Health Office:

USDA, GIPSA
1400 Independence Avenue, SW
Room 1654-S
Washington, DC 20250
Telephone (202) 720-0061

OR

USDA, GIPSA,
1400 Independence Avenue, SW
Room 1644-S
Washington, D.C. 20250
Telephone: (202) 720-0251

If he/she is not satisfied with the Safety and Health Office's evaluation, he/she may contact:

USDA, OHRM, QWLD
1400 Independence Avenue, SW.,
Room 3021-S
Washington, DC 20250
Telephone: 202-720-

or

The Occupational Safety and Health
Administration (OSHA)
U.S. Department of Labor
200 Constitution Avenue, NW.
Washington, DC 20210

10. INQUIRIES

This Directive is available on the Internet at
<http://www.aphis.usda.gov/library/gipsa/GIPSA.shtml>

/s/

James E. Link
Administrator